



**PARTNERSHIP FOR
EMPLOYER-SPONSORED COVERAGE**

June 5, 2023

The Honorable Virginia Foxx
Chairwoman
House Committee on Education and
the Workforce
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Robert C. Scott
Ranking Member
House Committee on Education and
the Workforce
2176 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Foxx and Ranking Member Scott:

We write as you prepare to mark up several bills in Committee on June 6, 2023. We particularly wish to add our voices in support of H.R. 824, the *Telehealth Benefit Expansion for Workers Act of 2023* and H.R. 2813, the *Self-Insurance Protection Act*. The Partnership for Employer-Sponsored Coverage (P4ESC) endorses these two bills and urges their prompt approval.

P4ESC is a nonpartisan advocacy alliance of employment-based organizations and trade associations representing businesses of all sizes and sectors, and the millions of Americans and their families who rely on employer-sponsored coverage every day. Employer-sponsored health insurance is the single largest source of coverage in our nation.

We strongly support the bipartisan H.R. 824, legislation to treat benefits for telehealth and other remote services offered under a group health plan or group health insurance coverage as excepted benefits. While many employers want to provide telehealth or remote care benefits to all employees, they are prohibited from doing so without exposure to penalties under ERISA.

Under current law, provision of telehealth services is considered a “group health plan” under ERISA, which triggers a number of *Affordable Care Act* (ACA) mandates and potential penalties. If the mandates are not met, then the employer is subject to per-day, per violation penalties. This prevents the employer from offering these services to all employees, not just those full-time employees who accept coverage in an employer’s group health plan.

Defining telehealth services as an excepted benefit would also allow employees not enrolled in the employer’s group health plan to enroll in a standalone telehealth plan. This could include part-time employees (not eligible by hours for coverage) or seasonal employees.

We also strongly support H.R. 2813, the *Self-Insurance Protection Act*, legislation that will protect the ability of smaller employers who self-fund their plans to access stop-loss insurance coverage to protect against the risk of high dollar claims. State regulatory limits (e.g., “attachment points”) that seek to determine which employers should or should not self-fund are

Partnership for Employer-Sponsored Coverage

June 5, 2023

Page 2

arbitrary by nature and may keep smaller employers from offering common coverage across state lines.

We wish the members of this Committee well as you prepare to mark up these and other bills on Tuesday, June 6. We are always glad to work with all members on issues concerning ERISA and health benefits. Please contact P4ESC's Executive Director Neil Trautwein at neil@trautweinstrategies.com for a meeting with P4ESC members.

Sincerely,

Partnership for Employer-Sponsored Coverage

cc: Members, House Committee on Education and the Workforce